

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: July 19-20, 2006

Reference No.: 2.4b.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla G. Rhinehart
Division Chief
Right of Way and Land Surveys

Subject: **RESOLUTIONS OF NECESSITY**

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolutions of Necessity C-19407 through C-19427, summarized on the following pages.

ISSUE:

Prior to initiating Eminent Domain proceedings to acquire needed right of way for a programmed project, the Commission must first adopt a resolution of necessity stipulating specific findings identified under Section 1245.230 of the Code of Civil Procedure.

Moreover, for each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

BACKGROUND:

Discussions have taken place with the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owners may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-19407 - Virginia H. Goranson, et al.

01-Men-20-PM R0.94 - Parcel 11353-1, 2 - EA 292009.

Right of Way Certification (RWC) Date: 01/01/07; Ready to List (RTL) Date: 01/15/07.

Conventional highway - construct two-way left turn pocket. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purpose. Located in the city of Fort Bragg at 18960 Trillium Lane. APN 018-410-04-00.

C-19408 - Margaret J. Jones, et al.

01-Men-20-PM R1.01 - Parcel 11357-1, 2 - EA 292009.

RWC Date: 01/01/07; RTL Date: 01/15/07. Conventional highway - construct two-way left turn pocket. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the city of Fort Bragg at 31951 Highway 20. APN 018-410-10.

C-19409 - Rajinder Singh Gill

03-Sut-70-PM 1.7 - Parcel 33030-1 - EA 386419.

RWC Date: 10/01/06; RTL Date: 10/01/06. Expressway - construct four-lane expressway.

Authorizes condemnation of the extinguishment of abutter's rights of access. Located near the town of Nicolaus, near State Route (SR) 70. APNs 33-240-009, -010, -011.

C-19410 - Engasser Family, etc., et al.

03-Sut-70-PM 2.7- Parcel 033034-1,2,3,4,5,6 - EA 386419

RWC Date: 10/01/06; RTL Date: 10/01/06. Expressway - construct four-lane expressway.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for utility purposes to be conveyed to Pacific Gas and Electric, two temporary easements for construction purposes, and underlying fee in existing public roadway. Located near the town of Nicolaus, near SR 70. APN 33-220-001.

C-19411 - Odysseus Farms, a California General Partnership

03-Sut-70-PM 4.9/5.3 - Parcel 033060-1, 2, 3, 4, 5, 6, 7, 8, 9; 033074-1, 2, 3, 4, 5 - EA 386419.

RWC Date: 10/01/06; RTL Date: 10/01/06. Expressway - construct four-lane expressway.

Authorizes condemnation of land in fee for a State highway, three temporary easements for construction purposes, six permanent easements for utility purposes to be conveyed to Pacific Gas and Electric, and underlying fee in existing public roadway. Located in the town of Nicolaus at Cornelius Avenue. APNs 33-080-038; 28-190-052.

C-19412 - Robert Wilson, et ux.

06-Fre-43-PM 5.28 - Parcel 85475-1A, 1B - EA 494609.

RWC Date: 11/01/06; RTL Date: 01/02/07. Conventional highway - install signal, left-turn channelization and add flashing beacon. Authorizes condemnation of land in fee for a State highway, together with all of those certain improvements which straddle the right of way line with

an easement to enter the remaining ownership to remove such improvements, and underlying fee. Located in the city of Selma at 14901 South Highland Avenue. APNs 385-130-62, -63, -74.

C-19413 - Joyce Forest, Trustee, etc., et al.

06-Tul-63-PM 5.90 - Parcel 84753 - EA 307009.

RWC Date: 03/01/07; RTL Date: 03/01/07. Conventional highway - four-lanes to six-lanes and improve channelization. Authorizes condemnation of land in fee for a State highway, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Visalia at 3627 South Mooney Boulevard. APN 126-041-038.

C-19414 - David R. McWilliams, Co-Trustees, etc., et al.

06-Tul-63-PM 5.9 - Parcel 84822 - EA 307009.

RWC Date: 03/01/07; RTL Date: 03/01/07. Conventional highway - four-lanes to six-lanes and improve channelization. Authorizes condemnation of land in fee for a State highway, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Visalia near Caldwell and Mooney Boulevard. APN 126-062-032.

C-19415 - Li-Cheng Wen, et al.; Denny's Corporation (Lessee)

06-Tul-63-PM 6.77 - Parcel 84808-1, 2 - EA 307009.

RWC Date: 03/01/07; RTL Date: 03/01/07. Conventional highway - four-lanes to six-lanes and improve channelization. Authorizes condemnation of land in fee for a State highway, a temporary easement for highway, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Visalia near Beech and Mooney. APN 122-030-018.

C-19416 - Lila R. Seaman, Trustee, etc., et al.

06-Tul-63-PM 7.52 - Parcel 84787 - EA 307009.

RWC Date: 03/01/07; RTL Date: 03/01/07. Conventional highway - four-lanes to six-lanes and improve channelization. Authorizes condemnation of land in fee for a State highway, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Visalia at 1101-1111 South Mooney Boulevard. APN 095-112-023.

C-19417 - Violette Youssef

07-LA-1-PM 40.8 - Parcel 79398-1, 2 - EA 4L0809.

RWC Date: 03/09/05. Conventional highway - emergency landslide remediation project. Authorizes condemnation of a permanent easement for slope purposes and a temporary easement for construction purposes. Located in the unincorporated area of Los Angeles County, commonly known as Malibu, north of Pacific Coast Highway, east of Topanga Canyon Boulevard. APN 4443-003-031.

C-19418 - Labib Solloum Feghali

07-LA-1-PM 40.8 - Parcel 79399-1, 2 - EA 4L0809.

RWC Date: 03/09/05. Conventional highway - emergency landslide remediation project. Authorizes condemnation of a permanent easement for slope purposes and a temporary easement for construction purposes. Located in the unincorporated area of Los Angeles County, commonly known as Malibu, north of Pacific Coast Highway, east of Topanga Canyon Boulevard. APN 4443-003-041.

C-19419 - Andrew F. Shayne

07-LA-1-PM 40.8 - Parcel 79400 - EA 4L0809.

RWC Date: 03/09/05. Conventional highway - emergency landslide remediation project.

Authorizes condemnation of a permanent easement for slope purposes and a temporary easement for construction purposes. Located near the unincorporated area of Los Angeles County, commonly known as Malibu, north of Pacific Coast Highway, east of Topanga Canyon Boulevard. APN 4443-003-033.

C-19420 - 555 South H Street Partners

08-SBd-215-PM 5.87 - Parcel 18782-1, 01-01 - EA 007179.

RWC Date: 10/02/06; RTL Date: 11/10/06. Freeway - widen and redesign Interstate 215.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and land in fee which is a remnant and would be of little market value. Located in the city of San Bernardino at 555 South H Street. APNs 0141-066-03, -02, -08.

C-19421 - Eduardo Tamayo, et al.

08-SBd-215-PM 6.52 - Parcel 18793-1, 01-01 - EA 007179.

RWC Date: 10/02/06; RTL Date: 11/10/06. Freeway - widen and redesign Interstate 215.

Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, and land in fee which is a remnant and would be of little market value. Located in the city of San Bernardino at 161 Walkinshaw Street. APN 0136-084-14.

C-19422- Gary M. Rogers

08-SBd-215-PM 6.44 - Parcel 18825-1 - EA 007179.

RWC Date: 10/02/06; RTL Date: 11/10/06. Freeway - widen and redesign Interstate 215.

Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Bernardino at 207, 215, and 225 South I Street. APN 0136-083-31.

C-19423 - Citicasters Co., an Ohio Corporation

08-SBd-215-PM 6.21 - Parcel 18964-1 - EA 007179.

RWC Date: 10/02/06; RTL Date: 11/10/06. Freeway - widen and redesign Interstate 215.

Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of San Bernardino at the northeast corner of Interstate 215 and the northbound Mill Street onramp. APN 0136-142-02.

C-19424 - Lucile M. Hubbs, as Trustee, etc., et al.

08-SBd-215-PM 6.07 - Parcel 19956-1, 2 - EA 007179.

RWC Date: 10/02/06; RTL Date: 11/10/06. Freeway - widen and redesign Interstate 215.

Authorizes condemnation of abutter's rights of access and a temporary easement for construction purposes. Located in the city of San Bernardino at 787 West Mill Street. APN 0141-071-08.

C-19425 - Mill Creek Associates

08-SBd-215-PM 6.09 - Parcel 19960-1, 2, 3 - EA 007179.

RWC Date: 10/02/06; RTL Date: 11/10/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, underlying fee in existing public roadway, and a temporary easement for construction purposes. Located in the city of San Bernardino at 708 Mill Street. APN 0136-151-32.

C-19426 - Irvin W. Jantz, et ux.

10-Mer-99-PM 25.54 - Parcel 14609-1, 2 - EA 414809.

RWC Date: 10/01/06; RTL Date: 10/01/06. Expressway - convert four-lane expressway to a six-lane freeway. Authorizes condemnation of land in fee for a State highway and an easement for utility purposes to be conveyed to Merced Irrigation District. Located in the city of Atwater at 5171 North Central Avenue. APN 143-240-006.

C-19427 - Citicasters Co., an Ohio Corporation

08-SBd-215-PM 10.0 - Parcel 19959-1, 2, 3, 4 - EA 007179.

RWC Date: 10/02/06; RTL Date: 11/10/06. Freeway - widen and redesign Interstate 215. Authorizes condemnation of land in fee for a State highway, underlying fee in existing public roadway, and two temporary easements for construction purposes. Located in the city of San Bernardino at the northeast corner of Interstate 215 and the northbound Mill Street onramp. APNs 0136-151-06, -09, -11.